BRADLEY/GROMBACHER, LLP Marcus J. Bradley, Esq. (SBN 174156) Kiley L. Grombacher, Esq. (SBN 245960) 2815 Townsgate Road, Suite 130 Westlake Village, California 91361 Telephone: (805) 270-7100 Facsimile: (805) 270-7589 Facsimile: (805) 270-7589 mbradley@bradleygrombacher.com kgrombacher@ bradleygrombacher.com 6 ROTHSCHILD & ASSOCIATES, APC Kristi D. Rothschild, Esq. (SBN 222727) Julian Alwill, Esq. (SBN 259416) 27 W. Anapamu Street, Suite 289 Santa Barbara, California 93101 Telephone: (805) 845-1190 Facsimile: (805) 456-0132 Facsimile: 10 krothschild@kdrlawgroup.com jalwill@kdrlawgroup.com 11 12 Attorneys for Plaintiff 13 UNITED STATES DISTRICT COURT 14 CENTRAL DISTRICT OF CALIFORNIA 15 Case No.: 2:18-CV-04916 PA (AFMx) 16 ANDREA RIDGELL, on behalf of herself and others similarly situated PLAINTIFF'S REQUEST FOR 17 Plaintiff, JUDICIAL NOTICEDECLARATION 18 OF KILEY LYNN GROMBACHER IN SUPPORT OF EX PARTE 19 APPLICATION FOR RELIEF FRONTIER AIRLINES, INC. 20 Colorado corporation; AIRBUS S.A.S., FROM DEADLINES IMPOSED BY a foreign corporation doing business in **LOCAL RULE 23-3** 21 State of California; the **AIRBUS** GROUP HQ INC., a corporation doing 22 business in the State of California Defendants. 23 24 25 26 27 28 Declaration of Kiley Lynn Grombacher In Support of Ex Parte Application for Relief from Local Rule 23-3

Deadline

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- 1. I am an attorney duly admitted to practice law before this Court and I am a member in good standing of the State Bar of California, the State Bar of Tennessee, and in the Third and Ninth
- Circuits.
- 2. I am a named partner at Bradley/Grombacher, LLP counsel for Andrea Ridgell ("Plaintiff").
- 3. In my capacity as counsel, I have been actively involved with all aspects of this litigation. Accordingly, I have personal knowledge of all the matters set forth herein, and if called, I could and would competently testify to the following:
- 4. I submit this declaration in support of Plaintiffs' Administrative Motion for Relief from the 90-day deadline imposed by United States District Court, Central District of California Local Rule ("L.R.") 23-3.

RELEVANT PROCEDURAL HISTORY

I, Kiley Lynn Grombacher, declare as follows:

- 5. Plaintiff filed this action on June 1, 2018.
- 6. Pursuant to Local Rule 23-3, the deadline for the filing of Plaintiff's motion for class certification is currently September 13, 2018.
 - 7. Plaintiff served defendant Frontier on or about June 15, 2018.
- 8. As a professional courtesy to Frontier, Plaintiff stipulated to provide Frontier an additional thirty-nine (39) days in which to file an answer to the complaint. Frontier filed an answer to the complaint on August 14, 2018.
- 9. Plaintiff voluntarily dismissed defendant Airbus Group HQ, Inc., pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) on July 16, 2018.
- 10. Given that defendant Airbus S.A.S. ("Airbus") is a foreign corporation, service must be effectuated through protocols established by the Hauge Convention.
- 11. Shortly after filing, Plaintiff caused the complaint and all initiating documents to be translated into French.

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- 12. Promptly upon translation, Plaintiff began the process of effectuating service under the Hague Convention with the assistance of ABC Legal, a process serving company.
- 13. In accordance with required procedures, the service request was sent to the Ministry de la Justice in Paris with confirmed receipt on July 16, 2018.
- 14. At present, service has not yet been confirmed and may take several more weeks or months to be effectuated.
- 15. No scheduling conference has yet been held in this action; however, a conference has recently been scheduled for October 1, 2018.
- 16. Given the Order and the fact that Frontier may oppose this application, Plaintiff has requested a telephonic Rule 26 conference of counsel. The parties have agreed to hold such conference on August 28, 2018.
- 17. No prior requests for continuance of the certification date have been requested in this action.

Plaintiff has Met and Conferred in Advance of Filing this Motion

- 18. On August 10, 2018, I spoke with counsel for defendant Frontier telephonically regarding the relief requested. Counsel advised they would speak with their client regarding the relief sought.
 - 19. On August 24, 2018, Frontier clarified that it may oppose the relief sought.
- 20. On August 25, 2018, I sent an email to defense counsel providing notice of this *ex parte* and advising that any opposition would be due within 24 hours.

Discovery From The Absent Defendant Is Necessary to Prepare a Motion for Class Certification

- 21. Although Plaintiff promptly initiated such protocols, the process, is inherently slow and protracted and Airbus has not yet been served. As such, discovery on this entity cannot yet be conducted.
- 22. It is anticipated that Airbus possesses discovery relevant to issues underlying Plaintiff's motion for class certification, including, for example, information regarding the design and

manufacture of the subject aircrafts. Such information will be relevant to foundational certification factors such as commonality, typicality and predominance.

23. Given the complexity of the claims alleged and procedural posture of this litigation, relief from the certification deadline imposed by Local Rule 23-3 is merited.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and is based upon my own personal knowledge. Executed in Westlake Village, California on August 28, 2018.

<u>/s/Kiley Lynn Grombacher</u> Kiley Lynn Grombacher